Remarks

Claims 14-16, 18-27, and 30-32 were pending in the subject application. By this Amendment, new claims 33-50 have been added. The undersigned avers that no new matter is introduced by this amendment. Upon entry of this amendment, claims 14-16, 18-27, and 30-50 will be before the Examiner. The amendments to the claims have been made in an effort to lend greater clarity to the claimed subject matter and to expedite prosecution. These amendments should not be taken to indicate the applicants' agreement with, or acquiescence to, the rejections of record. Favorable consideration of the claims now presented, in view of the remarks and amendments set forth herein, is earnestly solicited.

Claims 33-36 have been added. Claim 33 is the claim 14 with amendments suggested by the Examiner during the telephonic conference December 16, 2004 and December 17, 2004 that the Examiner indicated would place the claim in condition for allowance, which, as referred to on page 6 of the current Office Action, "modify claim 14 as indicated and agreed upon in the interview summary of December 16, 17, 2005." Claim 34 is written with similar limitations except that (a) recites "positioning the electrical wiring along a metal framing member". Support for new claim 35 can be found, at least, at Figure 5. Support for new claim 36 can be found, at least, at the abstract.

Claims 37-50 have been added. Claims 37-49 and 50 are the claims 1-13 and 17 before they were canceled in response to the Office Action dated January 14, 2003. The claims 1-13 and 17 were canceled solely to expedite prosecution and to put the application in condition for allowance based on the recommendations of Examiner Naschica Morrison. The following arguments address the rejections of claims 1-13 and 17 (now added as claims 37-49 and 50) from the Office Action dated January 14, 2003.

Claims 1-6 (now claims 37-42) were rejected under 35 USC §102(b) as being anticipated by Knezo, Jr. (U.S. Patent No. 3,508,730). The applicant respectfully traverses this grounds for rejection. Claim 1 is directed to a wiring clip wherein when said first arm and said second arm are attached to the first and second sides, respectively, of the metal framing member, wiring positioned within the wire receiving area is secured to the face of the metal framing member so as to be centrally positioned on the face of the metal framing member between the first side of the metal framing member and the second side of the metal framing member. Knezo, in contrast, teaches a clip

which positions the wiring across essentially the entire face of the trough **58**, rather than centrally positioning the wiring on the face of a metal framing member. Accordingly, reconsideration and withdrawal of the rejection of claims 1-6 under 35 USC §102(b) is respectfully requested.

Claims 1, 5, 6, 12, and 13 (now claims 37, 41, 42, 48, and 49) were rejected under 35 USC §102(b) as being anticipated by Jacobson (U.S. Reference No. 2,631,809). The applicant respectfully traverses this grounds for rejection. The Jacobson patent discloses a hanger bracket used to support metal beams from a drop ceiling. As described by therein, the clip is composed of strap steel with an end portion of the clip that is trimmed to relatively narrow dimensions (see col. 2, lines 45-50) to facilitate bending of the clip when struck with a hammer (see col. 8, lines 9-13) so as to lock the clip into position. With respect to claim 6, Jacobsen does not teach a wiring clip with a second attachment means comprising a bend in the second arm which can be slipped around an inner edge of the second side of the framing member. In fact, the strap steel taught by Jacobsen needs to be hammered over the second side of channel bar **9**. With respect to claim 12, the strap steel taught by Jacobsen is thick enough to interfere with the attachment of covering material to the metal framing member. With respect to claim 13, the strap steel would not allow covering fastening screws to penetrate through.

In order to anticipate, a single prior art reference must, within its four corners, disclose each and every element of the claimed invention. The Jacobson reference does not disclose the subject invention as claimed in claims 1, 5, 6, 12 and 13 (now claims 37, 41, 42, 48, and 49). Accordingly, reconsideration and withdrawal of the rejection of claims 1, 5, 6, 12 and 13 (now claims 37, 41, 42, 48, and 49) under 35 USC §102(b) is respectfully requested.

Claims 1, 5, and 8 (now claims 37, 41, and 44) were rejected under 35 USC §102(b) as being anticipated by the Miller reference (U.S. Patent No. 3,778,537). The applicant respectfully traverses this grounds for rejection. The clip disclosed by the Miller reference has a clamp **30** that receives a transformer and includes an open side **32** (see column 3, line 6; claim 1) formed from two arms that define a U-shape opening. According to the Miller reference, the clamp **30** is sized such that once a transformer is inserted, it is the friction created between the clamp and transformer that keep the transformer in place. Claim 1 (now claim 37) is directed to a wiring clip wherein when said first arm and said second arm are attached to the first and second sides, respectively, of the metal framing

member, wiring positioned within the wire receiving area is secured to the face of the metal framing member so as to be centerally positioned on the face of the metal framing member between the first side of the metal framing member and the second side of the metal framing member. In contrast, the clip taught by Miller does not secure the wiring positioned within the wire receiving area to the face of the metal framing member, but, rather, holds a transformer **38** in a clamp **30** away from the face of boom **18**. Accordingly, reconsideration and withdrawal of this rejection under 35 USC §102(b) is respectfully requested.

Claims 14, 20, 24, 27, and 32 have been rejected under 35 USC §102(b) as anticipated by Shanmugham (U.S. Patent No. 5,821,469). The applicant respectfully traverses this rejection.

The Office Action, at page 2, states

> "Shanmugham teaches a method for securing electrical wiring to an elongated metal framing stud member having a face and two sides with a wiring clip. The wiring clip comprises a main body (102), a first arm (107), a second arm (113) and a wire receiving area (near 105). The main body is formed with a wire receiving area. The first arm is located at a first end of the main body and has a first attachment means (108) for attaching the first arm to a first side of a metal framing stud member (130) having a face (parallel to the wire/cabling 120) and two sides (parallel to first and second side members 107, 113). The second arm is located at a second end of the main body and has a second attachment means for attaching the second arm to a second side of the metal framing stud member. The wire receiving area is adjacent the main body and is located between the first and second arms.
>
> The method for securing electrical wire comprises the following steps: Positioning the electrical wiring parallel to the length of the metal framing stud member. Attaching the first arm to a first side of the metal framing stud member. Moving the wiring clip over the metal framing stud member such that the electrical wiring is positioned within the wire receiving area. Attaching the second arm to a second side of the metal framing stud member via the second attachment means for attaching the second arm to a second side of the metal framing stud member such that the wiring positioned within the wire receiving area is centrally positioned on the

face of the metal framing stud member between the first side of the metal framing stud member and the second side of the metal framing stud member. The first and second arms are in continuous contact with the first side and second side, respectively, of the metal framing stud member. The wiring is positioned within the wire receiving area is secured within the wire receiving area. The first attachment means is a J-hook. The second attachment means for attaching comprises a bend in the second arm, which can be slipped around an inner edge of the second side of the framing member. The wiring clip is made of a flexible plastic."

However, the Shanmugham reference does not teach or suggest a method for securing electrical wiring to an elongated metal framing stud member having a face and two sides with a wiring clip as claimed in claim 14 of the subject application. Specifically, the Shanmugham reference does not teach or suggest "a method . . . wherein the wiring clip comprises: a main body being formed with a wire receiving area; a first arm, wherein said first arm is located at a first end of said main body, and said first arm comprises a first attachment means for attaching said first arm to a first side of a metal framing stud member having a face and two sides; a second arm, wherein said second arm is located at a second end of said main body and said second arm comprises a second attachment means for attaching said second arm to a second side of the metal framing stud member; and said wire receiving area being adjacent the main body, wherein the wire receiving area is located between the first arm and the second arm . . ." (underline added for emphasis). Rather, the Shanmugham reference teaches, at the abstract, "a mid-section and side sections extending from the mid-section for receiving a telecommunications cable." In particular, the Shanmugham reference, at col. 2, lines 5-8, discloses "U-shaped base clip **100** . . . comprises mid-section **102** and side sections **104** and **110** extending therefrom . . . [m]id-section **102** has a width and height defined by distances W1 and H1, respectively."

Instead of disclosing a wire receiving area defined by a main body being formed with a wire receiving area . . . said wire receiving area being adjacent the main body, wherein the wire receiving area is located between the first arm and the second arm as claimed in claim 14, the Shanmugham reference teaches a wire receiving area that is the space defined by the inner surfaces of the clip **100**. Specifically, the Shanmugham reference, at col. 2, lines 15-18, first discloses "Inner surface **105** is

preferably curved to receive at least one cylindrical telecommunications cable, such as telecommunications cable **120**." Then, the Shanmugham reference, at col. 2, lines 27-40, discloses "First side section **104** extends from a first end of mid-section **102** . . . Inner surface **109** of first side section **104** is adjacent to telecommunications cable **120** and track **130** . . . Also shown is second side section **110** extending from a second side of mid-section **102** . . . Inner surface **115** is adjacent to telecommunications cable **120** and track **130**." Further, at col. 2, lines 41-45, the Shanmugham reference teaches that "During installation, a technician manipulates base clip **100** so that inner surface **105** surrounds a portion of a telecommunications cable and distal flanges **108, 114** conform to a stationary portion of telecommunications equipment." Accordingly, the wire receiving area is the space formed by inner surfaces **105, 109,** and **115**. Instead of being an element that the main body is formed with, as claimed in claim 14 of the subject application, the wire receiving area of the Shannmugham reference is formed by the first arm, main body, and second arm. Moreover, the wire receiving area of the Shanmugham reference is not located between the first arm and the second arm, as claimed by claim 14, but, rather, is created by the first arm and the second arm of the Shanmugham reference such that a wire positioned within the wire receiving area is adjacent to the first arm and the second arm of the Shanmugham reference.

Therefore, the Shanmugham reference does not teach or suggest a method for securing electrical wiring to an elongated metal framing stud member having a face and two sides with a wiring clip as claimed in claim 14 of the subject application. Accordingly, reconsideration and withdrawal of the rejection under 35 USC §102(b) is respectfully requested.

Claim 26 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Shanmugham (U.S. Patent No. 5,821,469). The applicant respectfully traverses this grounds for rejection. The deficiencies of the Shanmugham reference have been discussed above with respect to claim 14, from which claim 26 depends. Accordingly, a *prima facie* case of obviousness has not been presented with respect to claim 26. Therefore, the applicant respectfully requests reconsideration and withdrawal of the rejection of claim 26 under 35 U.S.C. §103(a).

Claims 15-16, 18-19, and 30-31 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Shanmugham (U.S. Patent No. 5,821,469) in view of Rumbold (U.S. Patent No. 5,141,185). The applicant respectfully traverses this grounds for rejection. The applicant submits

that the Shanmugham and Rumbold references, alone or in combination, do not teach or suggest the subject invention as claimed in claims 15-16, 18-19, and 30-31. The deficiencies of the Shanmugham reference have been discussed above with respect to the rejection of claim 14, from which claims 15-16, 18-19, and 30-31 depend. The Rumbold reference does not cure such defects.

The Office Action states, at page 4, last paragraph, "it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the wiring clip of Shanmugham to be formed of flexible metal and to have modified the first and second legs of the wiring clip to be thin and further secured to the framing member with fastening screws because one would have been motivated to permit attachment of the wiring clip to metal studs without the installation of drywall as taught by Rumbold (col. 8, lines 14-22)"

However, there is no motivation to modify the Shanmugham reference to arrive at the limitation "wherein the first arm and the second arm are thin enough to not interfere with the attachment of a covering material to the framing member" as claimed in claim 30. In fact, the Shanmugham reference, at col. 1, lines 36-42, relates to "[i]n the preferred embodiment, a base clip including extended side section for gripping a surface of telecommunications equipment has serrated edges on outer surfaces for interlocking with other clips . . . [a] "grow" clip comprising serrated edges on inner surfaces interlocks with the serrated edges of other clips." Specifically, the Shanmugham reference teaches a base clip **100** and a grow clip **200**. In reference to the base clip **100**, the Shanmugham reference, at col. 2, lines 22-37, teaches "First side section **104** includes downwardly disposed serrated edge **106** on its outer surface **107** . . . Side section **110** includes downwardly disposed serrated edge **112** on its outer surface **113** . . ."

It appears that for arms thin enough to not interfere with the attachment of a covering material to the framing member, the serrated edge of the arm taught by the Shanmugham reference could not protrude enough to enable the gripping of a grow clip. Therefore, there is no motivation to modify the Shanmugham reference to make the arms thin enough not to interfere with the attachment of a covering material to the framing member, as claimed in claim 30 of the subject application. Accordingly, the applicant respectfully requests reconsideration and withdrawal of the rejection of claims 15-16, 18-19, and 30-31 under 35 U.S.C. §103(a).

Claims 21-23 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Shanmugham (U.S. Patent No. 5,821,469) in view of Knezo (U.S. Patent No. 3,508,730). The applicant respectfully traverses this grounds for rejection. The deficiencies of the Shanmugham reference have been discussed above with respect to the rejection of claim 14, from which claims 21-23 depend. The Knezo reference does not cure such defects. The applicant submits that the Shanmugham and Knezo references, alone or in combination, do not teach or suggest the subject invention as claimed in claims 21-23. Accordingly, the applicant respectfully requests reconsideration and withdrawal of the rejection of claims 21-23 under 35 U.S.C. §103(a).

Claims 25 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Shanmugham (U.S. Patent No. 5,821,469) in view of Kirschenbaum (U.S. Patent No. 4,538,782). The applicant respectfully traverses this grounds for rejection. The deficiencies of the Shanmugham reference has been addressed above with respect to the rejection of claim 14, from which claim 25 depends. The Kirschenbaum reference does not cure these defects. Accordingly, the applicant respectfully requests reconsideration and withdrawal of the rejection of claim 25 under 35 U.S.C. §103(a).

In view of the foregoing remarks and amendments to the claims, the applicants believe that the currently pending claims are in condition for allowance, and such action is respectfully requested.

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 or 1.17 as required by this paper to Deposit Account 19-0065.

The applicants invite the Examiner to call the undersigned if clarification is needed on any of this response, or if the Examiner believes a telephonic interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

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JSP/sjk/lkw
Attachments: Petition and Fee for Extension of Time Under 37 CFR §1.136(a);
Request for Continued Examination